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STATE OF WASHINGTON

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NO. 82374-0

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

BAINBRIDGE ISLAND POLICE GUILD and STEVEN CAIN,

Respondents,

v.

THE CITY OF PUYALLUP, a municipal corporation,

Respondent below,

and

KIM KOENIG, an individual, and
LAWRENCE KOSS, an individual,

Appellants.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR PIERCE COUNTY

The Honorable John R. Hickman, Judge

AMENDED REPLY BRIEF OF APPELLANTS

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I. Introduction

Appellants/requestors Kim Koenig and Lawrence Koss seek reversal of the Pierce County Superior Court's ruling that the City of Puyallup records of the criminal investigation of Bainbridge Island Officer Steven Cain were not discloseable in their entirety. The Superior Court closed the door on all disclosure even though appellants/requestors simply sought to obtain copies of documents which had already been provided to at least two journalists, and after the media had written extensively about the records' contents.

The Superior Court also reached this result even though the incident which was the subject of the records was a public arrest and assault by a public official. It was committed on a public street in full view of witnesses: (a) a number of Bainbridge Island police officers, (b) passing traffic, and (c) requestor Kim Koenig's husband, the undersigned counsel. With all due respect, respondent Cain had no more of a privacy interest in this public matter than the officers involved in the Rodney King beating. Cain has no privacy interest to assert here. We respectfully suggest that the Superior Court erred in its decision.

This amended reply brief¹ is submitted to respond to the brief filed by the Bainbridge Island Police Officers' Guild (hereinafter "BIPG") and Steven Cain (hereinafter "Cain"). This brief is also submitted to

¹ This amended reply brief is submitted to correct typos in our reply brief filed October 22, 2010. The corrections are listed in the appendix.

provide the Court with our response to the amicus briefs filed by: (1) the Allied Daily Newspapers of Washington, Washington Newspaper Publishers' Association, the *Seattle Times*, *Tacoma News Tribune*, *Tri-Cities Herald* and Center for Justice (hereinafter "*Allied Daily Newspapers*"); (2) the Washington Coalition for Open Government (hereinafter "WCOG"), and (3) the American Civil Liberties Union of Washington (hereinafter "ACLU"). See RAP 10.1(e); RAP 10.2(g).

II. *The Puyallup Records Should Have Been Disclosed to the Appellants/Requestors Under the Public Records Act.*

Petitioners² bear the burden of proving that disclosure should be denied under the Public Records Act (hereinafter "PRA"). Petitioners did not meet that burden. Appellants/requestors agree with and adopt the argument and authority contained in the amicus brief of the *Allied Daily Newspapers*, pages 4-19.

In addition, we also offer the following for the Court's consideration.

² Cain and the BIPG were petitioners in the court below. For clarity, they will be referred to as "petitioners" herein.

A. *Cain Had No Privacy Interest In His Public Actions In a Public Place Which Led to His Criminal Investigation.*

Cain relies on the exemption contained in RCW 42.56.240(1).³ This exemption requires proof by Cain that it is “essential to effective law enforcement” to shield these records; Cain makes no such claim in this case, and the record demonstrates none.

Instead, Cain claims that suppression of the records is “essential” to protect his “right to privacy” under RCW 42.56.050. This argument fails because Cain has no right to privacy in his public actions, committed in a public place, in full view of witnesses.

Allied Daily Newspapers properly contends, and Cain concedes, that the definition of the right to privacy, for purposes of the PRA, is contained in § 652D of the *Restatement (Second) of Torts*. The right encompasses the “intimate details” of a person’s private life, such as sexual relations, family quarrels, illnesses, and details of a man’s life and his home. *Hearst v. Hoppe*, 90 Wn.2d 123, 135-36, 580 P.2d 246 (1978), quoting § 652D cmt. b. Cain cannot claim that his actions taken against Ms. Koenig on the side of a public arterial, in full view of witnesses, are somehow an “intimate detail” of his life. Cain has no privacy interest in the contents of the criminal investigation, whose

³ As noted in the *Allied Daily Newspapers*' amicus brief, the trial judge apparently believed a different exemption was at issue, RCW 42.56.230(2). The language of the two exemptions is different, but the privacy definition for both is the same. Here, we first discuss whether a privacy interest exists.

subject was Cain's public actions against Ms. Koenig. Cain's privacy claim fails.

The same result is easily reached if one considers the RCW 42.56.230 exemption discussed by the Pierce County trial court. That exemption appears to apply to private "personal information" in "files maintained for employees". Cain's public actions on the side of the road, and the ensuing investigation, do not constitute "private personal information". Puyallup does not maintain an "employee file" for Cain.⁴ Cain has no right of privacy in these records.

The police petitioners fail to identify what privacy interest is possessed by an officer who engages in a public arrest and public assault on a citizen on the side of the road in full view of witnesses.⁵ Cain's privacy claim fails.

B. Cain Has No Privacy Interest in Information Which Has Already Been Made Public.

The record demonstrates that the Puyallup criminal investigation records were provided to a *Kitsap Sun* reporter, Tristan Baurick, upon his request. The record also demonstrates that Cain was given actual notice of the request, and advised that the records would be released by a date certain unless a court order enjoining release was served

⁴ Cain is not a Puyallup employee.

⁵ Not only, as noted, were other officers present, but Ms. Koenig called out to a passing motorist for help. Koenig Complaint, CP 162-163; Muenster Declaration, CP 215, ¶ 2; CP 216, ¶ 3. Cain's conduct was not conduct which he engaged in privately or shared only with his close family and friends.

on the City. CP 109-110. Cain did not seek or obtain such an order, and the records were released. CP 102.

We have noted, and Cain concedes, that the release of the Puyallup records to *Kitsap Sun* reporter Baurick, and apparently to others prior to Baurick, resulted in articles and commentary about the incident in a number of newspapers and internet venues. The extensive coverage of the incident and discussion of the contents of the records occurred prior to any requests by the appellants/requestors here to the City of Puyallup for a copy. CP 102, 111, 112, 125-126. The appellants/requestors simply sought records which had already been released to others, and which had been discussed extensively in a number of forums.

As amicus *Allied Daily Newspapers* points out, both the *Restatement* § 652D and courts analyzing the issue since then have held that “there is no ‘invasion of privacy’ from further disclosure of information that has already been made public”.⁶ As a result, non-disclosure of the Puyallup records is not “essential ... for the protection of [Cain’s] right to privacy”. RCW 42.56.240(1). He has no right to privacy in records which have been previously disseminated, without his objection, to the media and extensively discussed. The Puyallup records do not constitute “personal information” in Cain’s “employment file”, disclosure of which would violate his right to privacy. He has no

⁶ *Allied Daily Newspapers’* amicus brief, page 8.

such right in the records. RCW 42.56.230(2).⁷ Cain has no right to “privacy” in this public event or the investigation of it.⁸ Since further release of the records would not violate any right to privacy possessed by Cain, the injunction should be overturned and the order to the appellants/requestors to return the records should be vacated.

C. Disclosure of the Records Is Not Highly Offensive to Reasonable People.

In addition to proving that he has a right of privacy in the records, Cain must also prove that disclosure of the records “would be highly offensive to a reasonable person”. RCW 42.56.050.

Appellants/requestors agree with and adopt the discussion on the issue contained in the *Allied Daily Newspapers*’ amicus brief, concluding that disclosure here is not highly offensive to reasonable people. See *Allied Daily Newspapers* brief, § B, pages 10-13.

In addition, we offer the following for the Court’s consideration.

(1) The term “highly offensive to a reasonable person” is not defined in the PRA. We believe the term should be given content by the definition of “privacy” which is contained in *Restatement* 652D, which provides, *inter alia*, that the “intimate details” of a person’s private life are subject to privacy protection. Thus, it is reasonable to

⁷ As amici *Allied Daily Newspapers* notes, discussions of the Puyallup records’ contents continue to be available on-line and in print. *Allied Daily Newspapers*, pages 9-10; see fn.5.

⁸ The record in this case is quite different from the record in this Court’s recent 4-1-4 decision in *Bellevue John Does 1-11 v. Bellevue School District* No. 405, 164 Wn.2d 199, 189 P.3d 139 (2008).

conclude that disclosure of private sexual conduct in the home would be highly offensive to a reasonable person. As Cain concedes, the privacy definition used in the *Restatement* protects facts and phases of one's life and activities "that he does not expose to the public eye, but keeps entirely to himself or at most reveals only to his family or close personal friends". *Hearst v. Hoppe, supra*, 90 Wn.2d at 136, quoting the *Restatement*.

In contrast, Cain's actions towards Ms. Koenig were undertaken in public, in full view of witnesses, and in view of passing traffic. This case does not concern an assault that Cain committed at home.⁹ Release of documents concerning the arrest and the assault in a public place by this police officer is not "highly offensive to a reasonable person".

(2) The claims advanced by Cain on this issue can be quickly disposed of.

(a) Cain claims that public knowledge of the details of the criminal investigation would embarrass him and threaten his reputation. Given the fact that the investigation has already been provided to the media, without objection from Cain, and discussed extensively, it is difficult to fathom why provision of the records to the

⁹ As the *Allied Daily Newspapers* point out, the conduct here took place between an adult male and an adult female rather than allegations of sexual misconduct with minors as in *Bellevue John Does, supra*. *Allied Daily Newspapers* Amicus Brief, page 11.

victim and to Mr. Koss would embarrass Cain and threaten his reputation, given this record.

(b) Cain appears to rely upon the claim that the police decided that the allegations were "unsubstantiated". Cain argues that if a police investigation concludes that a complaint is "unsubstantiated", the door is shut to public knowledge of the incident or the investigation which was conducted into the incident.

The record in this case does not support what Cain would like. The Kitsap County prosecutor declined to prosecute Cain, citing "insufficient evidence suspect committed crime". CP 72. A prosecutor should not file charges unless he or she believes that he can prove the charge beyond a reasonable doubt. The prosecutor's decline notice could mean nothing more than insufficiency of the evidence to obtain a conviction.¹⁰

Cain unpersuasively cites the "unsubstantiated" conclusion reached by the Bainbridge police chief and the Mercer Island internal investigation detective. The reported appellate decisions in Washington contain many instances where an appellate court or a trial court or a jury disagreed with the view taken of an incident by the police. Public incidents involving the police are routinely subjected to public inquiry and media coverage. Public inquiry often takes place

¹⁰ Ironically, although Cain argues that the prosecutor's decision not to file criminal charges against Ms. Koenig supports his claim that Ms. Koenig's allegations were unsubstantiated, he overlooks the fact that the Kitsap County prosecutor likewise declined to file any charges against Ms. Koenig based on Cain's allegations. CP 121.

regardless of the view of the police as to the officer's claimed justification for his actions.

(3) The record demonstrates that the incident in this case is different in kind from the matters discussed in this Court's decision in *Bellevue John Does, supra*. In this case, it is undisputed that the incident occurred. Moreover, one of the female Bainbridge officers on the scene heard Ms. Koenig yelling that Cain was "dry humping" her. CP 43-44, 130, 133-34, 168. Another officer at the scene stated that Cain "hip checked" Ms. Koenig.¹¹ A "hip check" by a male could easily be experienced as "dry humping" by a female.

(4) Cain has one or more priors. He stands in a different position than the unidentified teachers in *Bellevue John Does*. As the *Allied Daily Newspapers* brief points out, another officer who had been Cain's supervisor admitted Cain had a previous sustained complaint for having sex with a suspect.¹²

Given the record in this case, Cain has not carried his burden of showing that release of the Puyallup investigative records would be "highly offensive to a reasonable person".¹³

¹¹ *Bainbridge Notebook*, "BI blue line: protect and serve or shred and forget?", March 11, 2008, CP 167; *see also* CP 130 (Cain told Puyallup investigators he "used his hip").

¹² CP 44, *see also* CP 168, 217, 243; *Allied Daily Newspapers* Amicus Brief, page 3.

¹³ As is evident from the discussion in this section, appellants/requestors strongly disagree with the summary conclusion of amicus ACLU that "there is no real dispute in this case that disclosure is highly offensive; ...". ACLU Brief, page 10. Our position in this case is the opposite--disclosure would not
(continued...)

D. *The Records Are a Matter of Legitimate Public Concern.*

In addition to the previous elements, Cain must also prove that the records “[are] not of legitimate concern to the public”. RCW 42.56.050(2). Given the record in this case, Cain cannot make that showing.

Appellants/requestors agree with and incorporate by reference the discussion on this issue contained in the amicus curiae brief of the *Allied Daily Newspapers, et al.*, pages 13-18.¹⁴

Our record is replete with evidence that the incident and investigation are matters of legitimate public concern. For example, journalist Althea Paulson reviewed the records. She commented:

I’m not the only islander who finds it newsworthy when a middle-aged mom and lawyer, with no criminal record, is roughed up during a traffic stop. And regardless of whose fault it turns out to be, the Puyallup investigation shows, with witnesses and photos, that Kim Koenig was bruised up that night.

Paulson, “*Printing news and raising hell*”, CP 197. See also articles and commentary referencing the Puyallup investigation cited on pages 4-5 of our amended opening brief. Several Bainbridge Island women asserted prior negative contact with Cain. CP 217.

¹³(...continued)
be highly offensive to a reasonable person.

¹⁴ With one caveat: We do not join in the citation or discussion of the federal FOIA cases cited on pages 18-19, as the FOIA allows for a balancing test which is forbidden in the PRA. See *Brouillet v. Cowles Publishing*, 114 Wn.2d 788, 798, 791 P.2d 526, 531-32 (1990).

The investigative records are a matter of legitimate public concern.

E. *The "Connect-the-Dots" Argument Presented by Cain Has Been Previously Rejected by This Court.*

Cain next argues that disclosure of the requested records would violate Officer Cain's privacy rights regardless of whether his name is redacted because such would not protect his right to privacy. Given Cain's acknowledgment in his brief that "his involvement in this incident is known to the public", Cain Brief, page 18, it is difficult to discern how disclosure of the records of investigation of the incident would somehow infringe on his right to privacy.

We agree with and adopt the argument contained on pages 19 and 20 of the *Allied Daily Newspapers'* amicus brief, which points out that the linkage and the connect-the-dots argument presented by Cain has previously been rejected by this Court in *Koenig v. Des Moines*, 158 Wn.2d 173, 183-187, 142 P.3d 162 (2006), and by the Court of Appeals in *Sheehan v. King County*, 114 Wn. App. 325, 338-349, 57 P.3d 307 (Div. I, 2002).¹⁵

¹⁵ *Bellevue John Does* provided for disclosure of the records with the names of the teachers redacted. The case does not furnish authority for the suppression of all the records requested by Cain.

F. Petitioners Did Not Respond to Our Argument that Great Injury Is Required for an Injunction Under RCW 7.40-.020.

In our opening brief, we argued that there was no basis for an injunction because Cain could not show great or irreparable injury. See RCW 7.40.020. His identity is not private. His identity, involvement and information about the records are known to the public whether or not appellants/requestors are in possession of the records or not. Cain cannot show great or irreparable injury via release of the records to the requestors.

RCW 7.40.020 was not cited or analyzed in the petitioners' brief. They did argue irreparable damage requiring non-disclosure under RCW 42.56.540. That issue is addressed in the following section.

G. The Order Blocking Disclosure Must Be Reversed Because the Trial Judge Did Not Make the Findings Required for the Injunction by RCW 42.56.540; The Record Demonstrates that the Requirements of That Statute Are Not Met.

In order to enjoin the release of public records, the trial court must comply with RCW 42.56.540. That statute provides:

The examination of any specific public record may be enjoined if, upon motion and affidavit by an agency or its representative or a person who is named in the record or to whom the record specifically pertains, the superior court for the county in which the movant resides or in which the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions. An agency has the option of notifying

persons named in the record or to whom a record specifically pertains, that release of a record has been requested. However, this option does not exist where the agency is required by law to provide such notice.

RCW 42.56.540. The police petitioners concede that compliance with the statute is required in order to issue an injunction.¹⁶

The police petitioners first contend that the requested records are exempt from disclosure under RCW 42.56.240(1). That contention is disposed of above.

Even if somehow this Court were to find that Cain had proven an exemption, the injunction must be reversed because the trial court made no finding that disclosure "would clearly not be in the public interest". Similarly, the trial court made no finding that disclosure "would substantially and irreparably damage any person".¹⁷ Without such findings, the injunction is void.

Cain claims that disclosure of the criminal investigation materials "is not in the public interest".¹⁸ The record, however, supports no such finding.

Similarly, the record does not support Cain's claim that disclosure would "substantially and irreparably damage" his right to privacy. He concedes that the City of Puyallup previously released the

¹⁶ BIPG/Cain Brief, page 22.

¹⁷ It is also clear, and presumably not contested by Cain, that there was no showing that disclosure "would substantially and irreparably damage vital government functions".

¹⁸ The statute requires a finding by the trial court that disclosure "would *clearly* not be in the public interest...". Emphasis added; see previous page.

investigation materials. Cain asserts, without specific argument, that "it is likely that disclosure of the materials will initiate additional media attention and further violate Officer Cain's right to keep these matters private".¹⁹ While it is possible that disclosure of the materials would generate additional media attention,²⁰ such would not "irreparably damage" Cain.

Morgan v. City of Federal Way, 166 Wn.2d 747, 213 P.3d 596 (2009), supports the position of the appellants/requestors. In *Morgan*, a judge sought an injunction against disclosure of a report on a city investigation into the work environment at the judge's court. This Court noted that "the public interest in disclosing the report is substantial". *Morgan*, 166 Wn.2d at 757. The Court noted that the voters were entitled to information regarding the judge's job performance, and that the public has a substantial interest in disclosure of information about that job performance. *Morgan, supra*.

The reasoning of *Morgan* applies here. Cain is a public official. He is accountable to the people of Bainbridge Island and to the taxpayers of the Island, who pay his salary. This incident concerns an arrest and an assault by Cain which occurred in public and on the job. Citizens of the Island are entitled to information about Cain's job performance. Not only has Cain failed to show that disclosure "would

¹⁹ BIPG/Cain Brief, page 23.

²⁰ As noted, much of the past media coverage and commentary remains available on the internet.

clearly not be in the public interest", the public in fact has a significant interest in information about his job performance, whether that information is positive or negative. *Compare Morgan*, 166 Wn.2d at 757.

To issue an injunction, the Superior Court must also find that disclosure "would substantially and irreparably damage" Cain. Cain has failed to make that showing. Further publicity about records already released and discussed in the media and on the internet would not irreparably damage Cain.

The order must be reversed because it lacks the findings required by RCW 42.56.540.

H. *Cain Waived Any Privacy Interest He Allegedly Had in the Investigation Records.*

Cain argues that he did not waive his right to privacy. He does not dispute that he was notified by the City of Puyallup that the records would be released to the *Kitsap Sun* reporter if he did not seek an injunction. Cain did not take any action. Only when Ms. Koenig, the victim, and Mr. Koss requested a copy of the records already released was an injunction sought. The record does not demonstrate why Cain could not have contacted the Police Guild when he received the first

release notice from the City of Puyallup. The inference is that he had no objection to release of the records to the *Kitsap Sun*.²¹

Since Cain was on actual notice that the records would be released to the media, this is a particularly strong case for a finding of waiver. Cain's brief makes a generalized reference to "his or her ability to fully understand the law".²² As a police officer, Cain is presumed to know the law. There is no claim here that he did not. This case presents a classic example of notice, advice of the opportunity to be heard, and relinquishment of that opportunity, insofar as release of the records to the media was concerned. Cain waived²³ any ability he had to seek an order concealing the records from public view.²⁴

III. *The Criminal Records Act (CRPA), RCW 10.97, Does Not Apply Here Because the Investigative Records Do Not Fall Within the Definition of "Criminal History Record Information". RCW 10.97.030(1); RCW 43.43.705.*

Petitioners BIPG and Cain next argue that the entire Puyallup file is exempt from disclosure under the Criminal Records Privacy Act,

²¹ The record reflects that another journalist, Althea Paulson, was permitted by the City of Bainbridge Island to inspect the records, and the City released records about the incident to the *Bainbridge Review*, resulting in its front-page story. There is no indication that Cain had any objection to any of these steps.

²² BIPG/Cain Brief, page 20.

²³ Appellants/requestors disagree with the suggestion in the ACLU Brief, pages 15-19, that Cain did not waive his privacy rights.

²⁴ Cain claims that the waiver cases cited by appellants/requestors are distinguishable, but furnishes no case law of his own to support his claim of waiver.

RCW 10.97. This issue was also presented by petitioners to the trial courts, but no ruling was made. The police petitioners did not file a cross-appeal on the issue. Accordingly, this Court could rule that the CRPA claim is not properly before the Court.

However, the Court may choose to address the issue. If it does, we offer the following for the Court's consideration:

(1) Appellants/requestors agree with and join in the arguments and authorities presented in the amicus brief filed by the Washington Coalition for Open Government (hereinafter "WCOG"). We incorporate the contents of the WCOG Brief here on this issue. The WCOG analysis demonstrates that the CRPA does not apply here because the investigative records do not fall within the definition of "criminal history records information". RCW 10.97.030(1); RCW 43.43.705. WCOG Brief, pages 2-8; *accord*, *Allied Daily Newspapers* Amicus Brief, page 4, fn.2; ACLU Amicus Brief, page 6, fn.1.

(2) Appellants/requestors agree with the WCOG Brief that *Hudgens v. City of Renton*, 49 Wn. App. 842, 746 P.2d 320 (1988), contains an erroneous analysis of the CRPA and should be overruled. As the WCOG brief notes (page 6), if *Hudgens* were correct, the CRPA would require agencies to withhold huge amounts of investigation information from the public, undermining the purpose of the Public Records Act. The CRPA does not apply in this case.

IV. Further Commentary on Cain and ACLU Briefs

The "Conclusion" section in the police petitioners' brief does not accurately state our position.

(1) Contrary to their brief, page 26, we believe that no exemption to the PRA applies in this case.

(2) We dispute that the content of the Puyallup criminal investigation file is highly offensive to a reasonable person, contrary to the BIPG/Cain brief's conclusion section.

(3) We also dispute that "the content of the requested materials is not a legitimate concern to the public", as erroneously claimed by the BIPG/Cain brief.

(4) We contend that Officer Cain had no right to privacy in this public arrest to begin with, not only that his right "is no longer protected". BIPG/Cain Brief, page 26.

Finally, we categorically reject the ACLU's suggestion for a "case-by-case evaluation" of "many factors" test. See ACLU Brief, pages 10-11. This suggestion flies directly in the face of the PRA and the case law holding that there is no such "balancing test". *Brouillet v. Cowles Publishing*, 114 Wn.2d at 798. Accord, *Allied Daily Newspapers* Amicus Brief, page 5. The BIPG/Cain brief recognizes and acknowledges this principle. See page 9, citing *Brouillet*.

V. Conclusion

For the reasons stated, the written decision and the subsequent order granting injunctive relief should be reversed. The cause should be remanded to the Pierce County Superior Court with instructions to deny the motion for the injunction, and to restore the previously-produced copies of the Puyallup public records to the appellants/requestors.

DATED this the 25th day of October, 2010.

Respectfully submitted,

MUENSTER & KOENIG

By: S/John R. Muenster

JOHN R. MUENSTER

Attorney at Law

WSBA No. 6237

Of Attorneys for Requestors-Appellants

Kim Koenig and Lawrence Koss

APPENDIX

<u>Page</u>	<u>Correction</u>
iii	The <i>Restatement (Second)</i> cite was changed to "§ 652D".
1	<p>In the second full paragraph, second sentence, the superfluous words "passing traffic", appearing before the word "witnesses", were deleted.</p> <p>The word "amended" was added to the last paragraph, first sentence.</p>
2	In the top paragraph, the words "and Center for Justice" were de-italicized.
4	In footnote (4), the cite in the Koenig complaint was updated to CP 162-163. The remaining references to the Koenig complaint were deleted.
5	The end of footnote 5 was corrected to read "page 8".
6	In paragraph C(1), second sentence, the correct <i>Restatement</i> section, 652D, was inserted.
8	The number of the last paragraph on page 8 was changed to "(3)".
9	The first full paragraph was numbered "(4)".
10	The last sentence of the first full paragraph was changed to read: "Several Bainbridge Island women...". The CP citation was updated to "CP 217".

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Correction

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In paragraph (3), "content" was substituted for "contents" and "is" substituted for "was" in the second line.

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CERTIFICATE OF SERVICE

I certify that on the date noted below I filed the above entitled document with the Clerk of the Court via e-mail. On the same date, I served the opposing counsel and amici via email.

DATED this the 25th day of October, 2010.

MUENSTER & KOENIG

By: S/Andi Anderson

Andi Anderson

Legal Assistant

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Cc: Robert L. Christie; Ann Mitchell; Daniel P. Mallove; Steve Kirkelie; Jeffrey S. Myers; William John Crittenden; Doug Klunder; mpak@corrcronin.com; brownp@seattleu.edu; Chris Roslaniec
Subject: RE: BIPG v. City of Puyallup, et al., No. 82374-0

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From: Muenster& Koenig [<mailto:jmkk1613@aol.com>]

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Subject: BIPG v. City of Puyallup, et al., No. 82374-0

Ladies and Gentlemen:

Attached please find for filing our Amended Reply Brief. The corrections are listed in the appendix.

Thank you for your attention.

Andi Anderson
Legal Assistant

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